

ACF

Administration
for Children
and Families

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families**

1. Log No: ACYF-IM-CB-97-09

2. Issuance Date: 12/24/97

3. Originating Office: Children's Bureau

4. Key Words: Independent Living Initiatives

INFORMATION MEMORANDUM

TO: State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act; and State Independent Living Coordinators

SUBJECT: Availability of FY 1998 Funds for the Independent Living Program

LEGAL AND RELATED REFERENCES: Sections 472, 474, 475 and 477 of Title IV-E of the Social Security Act; ACYF-PI-93-16 dated December 10, 1993.

PURPOSE: The purposes of this Information Memorandum are to: (1) inform States that FY 1998 Independent Living Program (ILP) funding is available; (2) inform States of the procedures to be followed in applying for FY 1998 IL funds and in reporting on program activities and services; (3) inform States that the ILP applications are due to the Administration for Children and Families (ACF) Regional Offices not later than January 31, 1998; and (4) inform States of the amount of individual State allotments under the FY 1998 appropriation of \$70 million for the ILP.

INFORMATION: *FY 1998 Application Procedures:* The instructions provided by Program Instruction [ACYF-PI-93-16](#) dated December 10, 1993, (Attachment A), remain in effect and must be followed in order to receive FY 1998 IL funds.

For FY 1998, the amount appropriated is \$70 million. The FY 1998 State allocation table, which includes both the basic amount and the additional amount available for State match, is attached ([Attachment B](#)). FY 1998 funds must be liquidated by September 30, 1999.

The Program Report covering FY 1997 activities and services is due not later than January 1, 1998.

An updated list of the Regional Administrators, ACF, is attached ([Attachment E](#)).

INQUIRIES TO:

Regional Administrators, ACF Regions I-X

or
Cynthia Walker
Children' Bureau, ACYF
(202) 205-8721

/s/

James A. Harrell
Deputy Commissioner

Attachments:

[Attachment A:](#) ACYF-PI-93-16

[Attachment B:](#) FY 1998 Independent Living Program Allotments

[Attachment C:](#) State Information on the Independent Living Program

[Attachment D:](#) Certifications

[Attachment E:](#) List of Regional Administrators, ACF

Attachment B**Fiscal Year 1998 Title IV-E-Independent Living Initiative Allotments**

Name of State	Basic Amount	Additional Amount	Total
Alabama	\$667,601	\$370,889	\$1,038,490
Alaska	8,378	4,654	13,032
Arizona	223,562	124,201	347,763
Arkansas	174,176	96,764	270,940
California	8,023,999	4,457,778	12,481,777
Colorado	530,906	294,948	825,854
Connecticut	485,047	269,471	754,518
Delaware	130,522	72,512	203,034
Dist of Col	701,995	389,997	1,091,992
Florida	634,529	352,516	987,045
Georgia	706,405	392,447	1,098,852
Hawaii	11,465	6,369	17,834
Idaho	68,788	38,216	107,004
Illinois	1,810,989	1,006,105	2,817,094
Indiana	655,695	364,275	1,019,970
Iowa	289,264	160,702	449,966
Kansas	461,235	256,242	717,477
Kentucky	508,858	282,699	791,557
Louisiana	873,084	485,047	1,358,131
Maine	363,785	202,103	565,888
Maryland	795,918	442,177	1,238,095
Massachusetts	408,762	227,090	635,852
Michigan	2,681,869	1,489,927	4,171,796

Minnesota	734,185	407,881	1,142,066
Mississippi	330,714	183,730	514,444
Missouri	832,517	462,509	1,295,026
Montana	156,979	87,211	244,190
Nebraska	280,004	155,558	435,562
Nevada	98,773	54,874	153,647
New Hampshire	205,924	114,402	320,326
New Jersey	1,477,188	820,660	2,297,848
New Mexico	133,167	73,982	207,149
New York	7,448,116	4,137,842	11,585,958
North Carolina	672,010	373,339	1,045,349
North Dakota	123,466	68,592	192,058
Ohio	1,839,209	1,021,783	2,860,992
Oklahoma	398,620	221,456	620,076
Oregon	598,371	332,428	930,799
Pennsylvania	2,981,716	1,656,509	4,638,225
Rhode Island	202,397	112,443	314,840
South Carolina	372,604	207,002	579,606
South Dakota	124,348	69,082	193,430
Tennessee	500,039	277,799	777,838
Texas	1,183,955	657,753	1,841,708
Utah	130,081	72,267	202,348
Vermont	190,050	105,583	295,633
Virginia	875,289	486,272	1,361,561
Washington	530,465	294,703	825,168
West Virginia	335,123	186,179	521,302

Wisconsin	999,196	555,109	1,554,305
Wyoming	28,662	15,923	44,585
size="+1">TOTALS	\$45,000,000	\$25,000,000	\$70,000,000

ATTACHMENT C

STATE INFORMATION ON THE INDEPENDENT LIVING PROGRAM STATE

The State information provided below will be considered permanent and will remain in effect unless rescinded by the State, after notification in writing to the Commissioner, ACYF.

Name of Agency Administering the ILP: _____

Employer Identification Number (EIN): _____

ADMINISTRATION OF STATE State Administered _____ County Administered _____

* If county administered, please describe the following:

1. The precise legal relationship between the State and the counties with regard to the ILP and the expenditure of funds.
2. How does the State enter into agreements with the counties?
3. Does the State delegate responsibility to the counties?
4. Are there written agreements?
5. Are there provisions for such agreements in State law or in the State plan?

STATE MATCHING INFORMATION

1. The State will apply for and match the additional funds over the \$45 million basic amount.

Yes _____ * No _____

If yes, All _____ or \$ _____

2. If funds become available-through reallocation, the state will apply for and match these funds.

Yes _____ * No _____

If yes, All _____ or \$ _____

If yes to either item, indicate "ALL" or specify the amount of additional and the amount of reallocated funds the State will apply for and match (dollar-for-dollar).

ELIGIBLE POPULATION

1. The State elects to serve non-IV-E eligible youth.

Yes _____ No _____

2. The State elects to serve former foster care youth.

Yes _____ No _____

3. The State elects to serve youth up to age 21.

Yes _____ No _____

If yes to any of the above, describe how the State will integrate the additional client population into planning for and implementation of the ILP.

TRUST FUNDS

The State elects to establish trust funds for youth leaving foster care.

Yes _____ No _____

If yes, please describe:

1. How will the trust funds be financed?
2. How will the trust funds be integrated into the overall individual independent living plan?

3. What are the rules that will govern the use of and disbursement from such trust funds'
4. What safeguards will be employed to ensure that no Federal ILP funds contributed to the trust fund are later used for the provision of room and board'

Signature Title

Agency/Organization

**CERTIFICATION REGARDING LOBBYING
DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION
FOR CHILDREN AND FAMILIES:**

PROGRAM: -----

PERIOD: ----- STATE: -----

Certification for Contracts, Grants, Loans and Cooperative Agreements The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative

agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

_____	_____
Signature	Title
_____	_____
Agency/ Organization	Date

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when HHS determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the HHS agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "excluded," as used in this clause, have the meaning set out in the

Definitions and Coverage sections of the rules implementing Executive Order 12549: 45 CFR Part 76. See the attached definitions.

5. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.

Debarment. An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred."

Ineligible: Excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

Participant. Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant. Person. Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

Principal. Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are:

- i. Principal investigators.
- ii. Researchers.

Proposal. A solicited or unsolicited bid, application, request, invitation to consider or similar communications by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

Suspension. An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is "suspended."

Voluntary exclusion or voluntarily excluded. A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant in providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549: 45 CFR Part 76. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations or the definitions.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a

person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and /or debarment.

Certification Regarding Debarment, Suspension Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in its transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**REGIONAL ADMINISTRATORS
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